



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## INFORMATION DISCLOSURE STATEMENT

In re Application of: Marshall, et al.

Attorney Docket No: BAL-99A (16843A)

Serial No: 09/977,555

Date: January 7, 2004

Filed: October 15, 2001

Art Unit: 1651

Confirmation No: 1969

Our Customer ID: 22827

Title: Method For The Detection Of Urease  
And Method For Using Same

Our Account No: 04-1403

Commissioner for Patents  
U.S. Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

- a. ☒ A list of materials for consideration per Rule 98(a)(1): 1 page(s)
- b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):  
7 item(s)
- c. ☒ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: Relevance can be understood by reference to the English abstract.  
[ ] Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

- a. ☒ WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.
- b. [ ] AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:
- i. [ ] Certification per Rule 97(e); OR
- ii. [ ] Filing Fee per Rule 17(p) .....\$180.00
- c. [ ] AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:
- i. Certification per Rule 97(e); AND
- ii. Filing fee per Rule 17(p) .....\$180.00

## 3. [ ] Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

- a. [ ] That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR
- b. [ ] That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

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(Rev. 5/92)		Information Disclosure Statement List	
By Applicant(s)		Under 37 CFR Section 1.98(a) (1)	
Attorney Docket Number: BAL-99A (16843A)		Filing Date: October 15, 2001	
Serial Number: 09/977,555		Confirmation No: 1969	
Applicant: Marshall, et al.		Group Art Unit: 1651	

NOTE:

If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]

- (1) This item is cumulative, per Rule 98(c)  
(2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:

USPN \_\_\_\_\_, filed \_\_\_\_\_, or  
USPN \_\_\_\_\_, filed \_\_\_\_\_;

Relied on under 35 U.S.C. Section 120, per Rule 98(d)

- (3) Both reasons (1) and (2) apply  
(4) No legible complete copy is possessed, in custody of controlled, or readily available

- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

EXAMINER		INITIALS		PATENTEE NAME		PATENT NUMBER		ISSUE DATE		COPY NOTE	
				King	5	4	9	8	5	2	8
		Heckenmuller, et al.	5	6	7	9	5	7	0	10/21/1997	
		Aylem, et al.	5	7	8	2	9	5	1	07/21/1998	

FOREIGN PATENT DOCUMENTS												
EXAMINER	COUNTRY	DOCUMENT NUMBER	PUBLICATION DATE	TRANSLATION	COPY NOTE							
	EP	0369292	05/23/1990	X								
	FR	2654436	05/17/1991	X								
	EP	0896547	11/06/1997	X								

\*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER		INITIALS		OTHER DOCUMENTS		COPY NOTE	
				Specify author (if any), Title, Pertinent Pages, Date & Place of Publication			
				Article - Development of a Chemiluminescent Urease Activity Assay for Helicobacter pylori Infection Diagnosis in Gastric Mucosa Biopsies, Aldo Roda, Francesco Piazza, Patrizia Pasini, Mario Baraldini, Laura Zamboni, Stefania Fossi, Franco Bazzoli, and Enrico Roda, Analytical Biochemistry, Vol. 264, 1998, pp. 47-52			
EXAMINER		DATE CONSIDERED					
Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.							